

REMARKS

Claims 1 and 19-26 are pending and under consideration in the above-identified application. Claims 2-18 and 27-36 are withdrawn from consideration pursuant to restriction requirements dated June 28, 2007 and October 10, 2007.

Claims 1 and 19-23 were rejected. Claims 24-26 are objected to, but deemed to contain allowable subject matter.

With this Amendment, claim 24 was amended and claims 1 and 19-23 were cancelled. No new matter has been introduced as a result of the amendment.

I. Objection To Drawings

The Examiner objected to the drawings under 37 C.F.R. § 1.83(a), indicating that the drawings must show every feature of the invention specified in the claims, namely the opening at the top of the first material portion and the second material portion. Applicant respectfully traverses this rejection.

Support for the features, “the first material portion has an opening at the top” and “a second material portion having a refractive index lower than that of the first material portion is disposed in the opening” can be found in at least Figure 13K. Specifically, Figure 13K shows a film 155, composed of a material having a higher refractive index than the embedded insulating film 154 in the waveguide 152 shown in Figure 13G. *See also* Specification, Paragraph [0087].

The Examiner objected to Figure 27 for failing to contain a legend indicating it is “Prior Art.” Pursuant to 37 C.F.R. § 1.121(d), enclosed is a replacement copy of Figure 27 showing proposed changes thereto for which approval of the Examiner is requested. The proposed changes are to correct the drawing and do not constitute new matter. In particular, Figure 27 has been amended to state that the figure is “Prior Art.” Accordingly, Applicant respectfully requests withdrawal of this objection.

II. Objection to Claims

Claims 24-26 were objected to as being dependent upon a rejected base claim, but deemed to contain allowable subject matter. Applicant amended claim 24 to incorporate all the limitations of the base claim 19 and any intervening claims. Accordingly, this rejection is now moot. As such, Applicant respectfully requests that the above objection be withdrawn.

III. 35 U.S.C. § 102 Anticipation Rejection of Claims

Claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by *Kawasaki* (JP-2001-267544). With this amendment, Applicant cancelled claim 1. Accordingly, this rejection is now moot. Applicant respectfully requests that the above rejection be withdrawn.

IV. 35 U.S.C. § 103 Obviousness Rejection of Claims

Claims 19-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kawasaki* (JP-2001-267544) in view of *Fukusho* (JP-10-326885). With this amendment, Applicant cancelled claims 19-23. Accordingly, this rejection is now moot. Applicant respectfully requests that the above rejection be withdrawn.

V. Conclusion

In view of the above amendments and remarks, Applicant submits that all claims are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

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